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10 Attorneys for Defendants
11 Tile, Inc. and Life360, Inc.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 SHANNON IRELAND-GORDY and
16 STEPHANIE IRELAND GORDY,
17 individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 TILE, INC., LIFE360, INC., and
21 AMAZON.COM, INC.,

22 Defendants.

Case No. 3:23-CV-04119-RFL

**DECLARATION OF JEFFREY M.
GUTKIN IN SUPPORT OF
STIPULATION SETTING BRIEFING
SCHEDULE AND CONTINUING
INITIAL CASE MANAGEMENT
CONFERENCE**

Date Action Filed: 08/14/2023

1 I, Jeffrey M. Gutkin, declare as follows:

2 1. I am an attorney with the law firm Cooley LLP and am licensed to practice in the
3 State of California. I represent Tile, Inc. and Life360, Inc. in the above-captioned matter. I have
4 personal knowledge of the following facts and if called to testify, could and would competently
5 testify thereto.

6 2. I submit this declaration in accordance with Rule 6-2(a) of the civil Local Rules for
7 the United States District Court for the Northern District of California.

8 3. The Court set the Initial Case Management Conference for this case for November
9 17, 2023.

10 4. On September 19, 2023, Tile, Inc., Life360, Inc. and Plaintiffs stipulated to extend
11 Tile, Inc. and Life360, Inc.'s deadline to respond to Plaintiffs' complaint (the "Complaint") to
12 November 7, 2023.

13 5. Upon reassignment of the case, the Court reset the Initial Case Management
14 Conference for November 16, 2023.

15 6. On October 23, 2023, Tile, Inc., Life360, Inc., Amazon, Inc. and Plaintiffs stipulated
16 to continue the Initial Case Management Conference and vacate Defendants' deadline to respond
17 to the Complaint in order to allow the parties to engage in private mediation to explore a mutually-
18 agreeable resolution of the claims in the Complaint and the Court granted this stipulation and reset
19 the Initial Case Management Conference for March 14, 2024.

20 7. The September 19, 2023 and October 23, 2023 stipulations are the only time
21 modification the parties have stipulated to or requested in this case.

22 8. Per the above paragraphs, the parties have made one prior request to continue the
23 Initial Case Management Conference, the Court has not denied any request for a time modification,
24 and the Court has not stated that no further extensions will be granted.

25 9. Upon further reassignment of the case, the Court reset the Initial Case Management
26 Conference to March 13, 2024 (with a case management statement due March 6, 2024).

27 10. The parties participated in mediation on January 25, 2024, but were unable to come
28 to a mutually-agreeable resolution.

11. In a case involving similar claims brought by counsel for Plaintiffs, *Hughes et. al.*, v. *Apple, Inc.*, 3:22-cv-07668-VC (“*Hughes*”), the defendant has filed a motion to dismiss, which was briefed and heard, and is awaiting decision by a different department of this Court (the “*Hughes Order*”). Plaintiffs informed me that they believe there is significant efficiency to be gained by waiting for the *Hughes Order* before amending their Complaint in this action, so that such amendment can reflect the guidance provided in that order. The Parties agree that the deadline for Plaintiffs to amend their Complaint should therefore be set to follow the issuance of the *Hughes Order*.

12. Separately, the parties agree that it will save substantial party and Court resources to resolve any motion to compel arbitration that Defendants may file (a “Motion to Compel Arbitration”) based on the Amended Complaint before briefing any motions to dismiss on other grounds, given that a Motion to Compel Arbitration may obviate the need for such other motions to dismiss, if granted.

13. If granted, the requested relief in the parties’ stipulation would (1) set Plaintiffs’ deadline to amend their Complaint (the “Amended Complaint”) six weeks from the date of the *Hughes Order*, which deadline is not otherwise currently set; (2) set Defendants’ deadline to file either a motion to compel arbitration or a response to the Amended Complaint six weeks from the date of the Amended Complaint, which deadline is not otherwise currently set; and (3) set a briefing schedule on any motion filed by Defendants with Plaintiffs’ opposition due four weeks from the date the motion is due and Defendants’ reply due three weeks from the date the opposition is due, which briefing deadlines are not otherwise currently set. The requested relief would also reset the Initial Case Management Conference to coincide with any hearing on Defendants’ motion or to be otherwise reset to a date convenient for the Court. The Initial Case Management Conference is otherwise scheduled for March 13, 2024.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of February 2024.

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/s/ Jeffrey M. Gutkin
Jeffrey M. Gutkin